

REMARKS

Applicants wish to thank the Examiner for considering the present application. Claims 1-19 are pending in the application. Claims 13-17 are withdrawn from consideration. Claims 1 and 9 are amended. Claims 20 and 21 have been added. Applicants respectfully request the Examiner for a reconsideration of the rejections.

REJECTION UNDER 35 U.S.C § 103

Claims 1-7, 9-12, 18 and 19 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Hendricks et al. (U.S. 6,160,989) in view of Eldering et al. (U.S. 6,704,930).

Claims 1 and 9 have again been amended to clarify that the electronic content is received using conditional access software. The present application may be used to provide a separate service through the use of the excess bandwidth provided with an over-the-air television signal. Claims 20 and 21 were added to reflect that the digital television channels may be disregarded by the user device.

The Hendricks reference illustrates a concatenated cable system 210 in Figure 1. While it is true that the concatenated cable system may be replaced by a cellular network as described in Figure 7, there is no teaching or suggestion for an allocated bandwidth having excess bandwidth. The system of claim 1 clearly differentiates that a channel signal has a bandwidth, all of which may not be used. The electronic content is broadcast in the excess bandwidth.

The Eldering reference is cited for teaching electronic content over a first portion of an allocated frequency spectrum. Although multiple channels are illustrated, the Eldering reference does not teach or suggest combining the reception of electronic content in an excess bandwidth portion of a digital channel signal.

Further, neither the Hendricks reference nor the Eldering reference teaches conditional access for accessing the electronic content. Therefore, Applicants respectfully submit that claims 1 and 9 are allowable since neither of the references teaches that the electronic content packages use conditional access software to receive the electronic content packages.

Claims 2-7, 10-12, 18 and 19 are also believed to be allowable for at least the same reasons set forth above.

Claim 8 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Hendricks et al. (U.S. 6,160,989) in view of Eldering et al. (U.S. 6,704,930) as applied to claim 1 above, and further in view of Owa et al. (U.S. 6,711,379).

The Owa reference does not teach or suggest the elements missing from claims 1 and 9. Therefore, Applicants respectfully submit that claim 8 is also allowable for the same reasons set forth in claim 1.

CONCLUSION

In light of the remarks above, Applicants submit that all objections and rejections are now overcome. The application is now in condition for allowance and expeditious notice thereof is earnestly solicited. Should the Examiner have any questions or comments which would place the application in better condition for allowance, the Examiner is respectfully requested to contact the undersigned attorney.

Should any fees be associated with this submission, please charge Deposit Account 50-0383.

Respectfully submitted,

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